

Annual Town Meeting, Tuesday, April 29, 2008

ARTICLE 1 The Town **VOTED** to receive the reports of the Town Officers and Committees and act thereon.
– **PASSED UNANIMOUSLY**

ARTICLE 2 The Town **VOTED** to establish the salaries and compensation of all elected Town Officers for fiscal year 2009 and raise and appropriate \$61,998 to pay the same. – **PASSED BY MAJORITY**

Selectmen	\$3,417	(Chairman, \$1,229, 2 members \$1,094)
Assessors	\$3,687	(Chairman \$1,363, 2 members \$1,162)
Public Works	\$2,180	(Chairman \$816, 2 members \$682)
Planning Board	\$1,320	(Chairman \$360, 4 members \$240)
Board of Health	\$1,460	
Town Clerk	\$49,842	
Moderator	<u>\$ 92</u>	
	\$61,998	

ARTICLE 3 The Town **VOTED** to amend Section 14 the Personnel Classification and Compensation By-Law, Position Classes and Compensation Schedules, by adding and amending, thereto, the following compensation increases:

Amend Schedule D - Part Time and Seasonal Group as follows:

Recreation Assistant Leader – Schedule D
Delete \$7.50 - \$9.00 and substitute \$8.00 - \$9.50
Recreation Sports & Playground Instructors – Schedule D
Delete \$7.50 - \$10.00 and substitute \$8.00 - \$10.50
Beach Supervisor- :Schedule D
Delete \$10.00 - \$11.50 and substitute \$11.00 - \$12.50.
Beach Administrator - Schedule D
Delete Grade 8 and substitute Grade 9.

Amend Schedule C Administrative Group as follows:

Senior Secretary-
Delete Grade 8 and substitute Grade 9.

Add to Schedule C:
Council on Aging - Social Service Coordinator Grade 6.

Add to Schedule D:

Assistant Veterans Agent Grade 8

And further to amend Section 24 (b) by striking “\$.34” and substituting therefore “the then current Standard Mileage Rate published by the Internal Revenue Service”. – **PASSED UNANIMOUSLY**

ARTICLE 4 The Town **VOTED** to transfer \$186,000 from Sewer Enterprise Retained Earnings, \$309,000 from Water Enterprise Retained Earnings, \$22,000 from Solid Waste Retained Earnings, \$87,000 Waterways Improvement Fund and to further authorize the Treasurer with approval of the Board of Selectmen to borrow \$2,150,000 under Massachusetts General Laws, Chapter 44, Section 7 for the following General, Water and Sewer Fund purposes.

DEPARTMENT/PROJECT	PROPOSED REQUEST	SUPPORTED REQUEST	RECOMMEND FUNDING
FIRE			
Feasibility Study - Ocean Bluff station	30,000	30,000	Borrowing Ch 44 §7
Engine 5 - replace	380,000	380,000	Borrowing Ch 44 §7
Car C-2 - replace	38,000	0	
Forest Fire 3 - rehab	45,000	45,000	Borrowing Ch 44 §7
Fire Total	493,000	455,000	
HARBORMASTER			
Outboard engines for patrol boat - replace engines	28,000	28,000	Waterway Improvement Fund
21' Parker boat, engine & trailer - new	59,000	59,000	Waterway Improvement Fund
Harbormaster Total	87,000	87,000	
INFORMATION TECHNOLOGY			
Automation of permitting & licensing processes	132,000	0	
Wireless wide area network - 6 remote locations	203,000	203,000	Borrowing Ch 44 §7
Information Technology Total	335,000	203,000	
LIBRARY			
Computer upgrade & replacement	31,000	31,000	Borrowing Ch 44 §7
Library Total	31,000	31,000	
SCHOOLS			
Food service equipment - replace	96,000	96,000	Borrowing Ch 44 §7 - School Lunch revolving fund revenues
Schools total	96,000	96,000	
DPW GENERAL FUND			
CEMETERY			
Vehicle # 160 - replace	85,000	85,000	Borrowing Ch 44 §7
Vehicle #117 - replace	38,000	0	
Cemetery total	123,000	85,000	
ENGINEERING			
Seawalls & riprap	1,000,000	250,000	Borrowing Ch 44 §7
Rexhame drainage	500,000	0	
Bass Creek dredging	650,000	0	
Forest Street drainage	50,000	0	
Summer Street drainage	475,000	0	
Sidewalks - planning & design	150,000	0	
Brant Rock esplanade - phase 2	150,000	0	
Engineering total	2,975,000	250,000	

DEPARTMENT/PROJECT	PROPOSED REQUEST	SUPPORTED REQUEST	RECOMMEND FUNDING
HIGHWAY			
Road reconstruction	700,000	300,000	Borrowing Ch 44 § 7
Street sign replacement	75,000	0	
Highway garage repairs	25,000	25,000	Borrowing Ch 44 § 7
Menzi muck excavator - new	220,000	220,000	Borrowing Ch 44 § 7- \$66,000; Wastewater Retained Earnings-\$66,000; Water Retained Earnings- \$66,000; Solid Waste Retained Earnings-\$22,000
Vehicle #37 - replace	38,000	38,000	Borrowing Ch 44 § 7
Vehicle #103 - replace	38,000	0	
Vehicle #101 - replace	150,000	150,000	Borrowing Ch 44 § 7
Highway total	1,246,000	953,000	
TOTAL PROJECTS - GENERAL FUND	5,386,000	1,940,000	
SOLID WASTE ENTERPRISE	0	0	
WASTEWATER ENTERPRISE			
Paving repairs & additional parking	50,000	0	
Maintenance garage/storage - building design	100,000	0	
Vehicle #77 - replace	40,000	0	
Vehicle #158 - replace	90,000	90,000	Wastewater Retained Earnings
Outfall piping inspection & maintenance	30,000	30,000	Wastewater Retained Earnings
Central street emergency generator	150,000	0	
Pump station upgrades	70,000	70,000	Borrowing Ch 44 § 7
Aeration system upgrade	250,000	250,000	Borrowing Ch 44 § 7
Replace effluent pump controls w/SCADA Logic	131,000	131,000	Borrowing Ch 44 § 7
Ultraviolet disinfection system	750,000	0	
Wastewater Total	1,661,000	571,000	
WATER ENTERPRISE			
Well cleaning & pump station rehab	40,000	40,000	Water Retained Earnings
2-inch water main upgrades	120,000	120,000	Water Retained Earnings
Vehicle #168 - replace	45,000	45,000	Water Retained Earnings
Vehicle #113 - replace	38,000	38,000	Water Retained Earnings
Land purchase - future well sites & wellhead	1,000,000	0	
Water Total	1,243,000	243,000	
ENTERPRISE TOTAL	2,904,000	814,000	
GRAND TOTAL - GENERAL FUND & ENTERPRISE	8,290,000	2,754,000	

ARTICLE 5 The Town **VOTED** to transfer \$505,528.00 to the Stabilization Fund. – **PASSED UNANIMOUSLY**

ARTICLE 6 The Town **VOTED** to raise and appropriate \$71,322,233 and to meet said appropriation raise \$69,137,565 from the FY2009 tax levy, transfer \$35,000 from Cemetery Perpetual Care Interest, \$47,000 from Licensing & Keeping of Dogs, \$26,000 from Wetland Protection Fund, \$20,000 from Waterway Improvement Fund, \$1,306,668 from Free Cash and \$750,000 from Overlay Surplus to defray Town expenses, debts and other charges from July 1, 2008 to June 30, 2009. – **PASSED BY MAJORITY**

Dept #	Department	FY07 Expended	FY08	Budget	Advisory Board
122	Selectmen Salaries	\$ 205,524	\$ 200,767	\$ 225,117	
122	Selectmen Expenses	\$ 205,366	\$ 237,000	\$ 237,000	
	Selectmen Total	\$ 410,890	\$ 437,767	\$ 462,117	
132	Reserve Fund Expense	\$145,000	\$100,000	\$ 100,000	
135	Town Acct Salaries	\$153,600	\$163,526	\$ 159,751	
135	Town Acct Expenses	\$4,776	\$4,550	\$ 4,550	
	Town Acct Total	\$ 158,376	\$ 168,076	\$ 164,301	
141	Assessors Salaries	\$184,286	\$190,012	\$ 190,404	
141	Assessors Expenses	\$80,484	\$71,500	\$ 71,500	
	Assessors Total	\$ 264,770	\$ 261,512	\$ 261,904	
145	Treas Coll Salaries	\$297,763	\$324,243	\$ 327,876	
145	Treas Coll Expenses	\$58,963	\$41,800	\$ 41,800	
	Treas Coll Total	\$ 356,726	\$ 366,043	\$ 369,676	
149	Annual Audit	\$39,200	\$39,500	\$ 50,000	
151	Legal	\$204,027	\$170,000	\$ 170,000	

Dept #	Department	FY07 Expended	FY08	Budget	Advisory Board
155	Info Technlgy Salaries	\$70,555		\$71,656	\$ 100,618
155	Info Technlgy Expenses	\$161,898		\$153,784	\$ 167,446
	Info Technlgy Total	\$ 232,453	\$ 225,440	\$ 268,064	
161	Town Clerk Salaries	\$50,520		\$50,522	\$ 51,594
161	Town Clerk Expenses	\$4,110		\$4,110	\$ 4,110
	Town Clerk Total	\$ 54,630	\$ 54,632	\$ 55,704	
162	Elections/Bd of Reg	\$56,175	\$40,175	\$ 59,175	
171	Conservation Salaries	\$89,880		\$90,513	\$ 91,914
171	Conservation Expenses	\$1,201		\$2,719	\$ 12,719
	Conservation Total	\$ 91,081	\$ 93,232	\$ 104,633	
175	Planning Bd Salaries	\$105,858		\$108,555	\$ 108,570
175	Planning Bd Expenses	\$2,875		\$2,568	\$ 2,568
	Planning Bd Total	\$ 108,733	\$ 111,123	\$ 111,138	
176	Zong Bd of App Salaries	\$25,769		\$25,798	\$ 25,808
176	Zong Bd of App Expenses	\$2,173		\$2,200	\$ 2,200
	Zong Bd of App Total	\$ 27,941	\$ 27,998	\$ 28,008	
210	Police Salaries	\$3,266,131		\$3,342,756	\$ 3,320,097
210	Police Expenses	\$163,827		\$203,455	\$ 184,875
	Police Total	\$ 3,429,958	\$ 3,546,211	\$ 3,504,972	
220	Fire Salaries	\$3,670,730		\$3,853,617	\$ 3,848,796
220	Fire Expenses	\$270,100		\$242,100	\$ 242,100
	Fire Total	\$ 3,940,830	\$ 4,095,717	\$ 4,090,896	
241	Building Ins Salaries	\$223,252		\$225,703	\$ 222,767
241	Building Ins Expenses	\$6,305		\$6,156	\$ 8,731
	Building Ins Total	\$ 229,557	\$ 231,859	\$ 231,498	
244	Sealer of Wgts & Meas	\$5,000	\$5,000	\$ 5,000	
292	Animal Control Salaries	\$56,835		\$56,660	\$ 53,280
292	Animal Control Expenses	\$9,559		\$10,750	\$ 10,750
	Animal Control Total	\$ 66,393	\$ 67,410	\$ 64,030	
293	Animal Inspect Salaries	\$1,800		\$1,800	\$ 1,800
293	Animal Inspect Expenses	\$0		\$1,000	\$ 1,000
	Animal Inspect Total	\$ 1,800	\$ 2,800	\$ 2,800	

Dept #	Department	FY07 Expended FY08	Budget	Advisory Board
295	Harbormaster Salaries	\$88,991	\$93,000	\$ 93,000
295	Harbormaster Expenses	\$63,090	\$65,500	\$ 45,500
	Harbormaster Total	\$ 152,081	\$ 158,500	\$ 138,500
300	Education	\$37,749,610	\$39,562,970	\$ 40,479,789
401	DPW Salaries	\$1,488,832	\$1,626,883	\$ 1,523,752
401	DPW Expenses	\$607,469	\$592,953	\$ 595,000
	DPW Total	\$ 2,096,301	\$ 2,219,836	\$ 2,118,752
423	Snow & Ice	\$187,895	\$350,000	\$ 350,000
424	Automotive Fuel	\$ 332,057	\$450,000	\$ 450,000
510	Bd of Health Salaries	\$166,180	\$169,186	\$ 171,438
510	Bd of Health Expenses	\$26,597	\$31,257	\$ 27,487
	Bd of Health Total	\$ 192,777	\$ 200,443	\$ 198,925
541	Cncl on Aging Salaries	\$142,003	\$149,268	\$ 152,397
541	Cncl on Aging Expenses	\$41,373	\$49,210	\$ 44,210
	Cncl on Aging Total	\$ 183,377	\$ 198,478	\$ 196,607
543	Veterans Salaries	\$48,944	\$58,809	\$ 63,749
543	Veterans Expenses	\$255,666	\$260,597	\$ 326,386
	Veterans Total	\$ 304,610	\$ 319,406	\$ 390,135
610	Library Salaries	\$472,275	\$498,950	\$ 499,083
610	Library Expenses	\$137,739	\$143,574	\$ 143,574
	Library Total	\$ 610,014	\$ 642,524	\$ 642,657
630	Recreation Salaries	\$59,449	\$60,149	\$ 60,249
630	Recreation Expenses	\$8,101	\$6,000	\$ 6,000
	Recreation Total	\$ 67,550	\$ 66,149	\$ 66,249
660	Trustees of Vets Memrls	\$9,580	\$9,580	\$ 9,580
691	Historical Commission	\$1,555	\$3,780	\$ 3,780
693	Clam Flats Salaries	\$1,729	\$4,000	\$ 4,000
693	Clam Flats Expenses	\$522	\$550	\$ 550
	Clam Flats Total	\$ 2,251	\$ 4,550	\$ 4,550
705				
710	Debt Service	\$4,688,140	\$5,200,465	\$ 5,064,888
715				
910	General Insurance	\$920,530	\$998,790	\$ 943,790
911	Retirement	\$2,480,098	\$3,059,026	\$ 3,193,116
912	Employee Benefits	\$4,211,296	\$5,226,322	\$ 4,932,590

Dept #	Department	FY07 Expended	FY08 Budget	Advisory Board
913	Unemployment	\$111,322	\$80,000	\$ 100,000
914	Medicare	\$499,102	\$672,000	\$ 700,000
940	Unclassified Salaries	\$442	\$2,000	\$ 2,000
940	Unclassified Expenses	\$27,543	\$51,100	\$ 51,100
	Unclassified Total	\$ 27,985	\$ 53,100	\$ 53,100
942	Utilities	\$461,008	\$670,000	\$ 670,000
Town Salary Adjustment				\$ 511,309
Grand Total Gen Fund		\$65,112,679	\$70,190,414	\$71,322,233

ARTICLE 7 The Town **VOTED** to establish revolving funds for certain Town Departments under Massachusetts General Law, Chapter 44, Section 53E1/2 for the fiscal year beginning July 1, 2008, with the specific receipts credited to each fund the purposes for which each fund may be spent and the maximum amount that may be spent from each fund for the fiscal year as follows: - **PASSED BY 2/3 VOTE**

<u>Authorized to Spend</u>	<u>Revolving Fund</u>	<u>Revenue Source</u>	<u>Use of Fund</u>	<u>FY 2009 Spending Limit</u>
Beach Commission	Beaches	Fees charged for beach stickers, parking at public beach lots and snack bar operations.	Part-time salaries, supplies, other charges and expenses of the beach operations.	\$160,000

DPW	Playing Field Rentals	Fees charged for rental of playing fields.	Part-time salaries, supplies, other charges and expenses of the playing field operations.	\$50,000
DPW	Recycling Composting Program	Fees charged for the sale and recycling of composting equipment.	Recycling and composting equipment and educational materials.	\$10,000
School Committee	High School Graphic Arts Program	Fees charged for the graphic arts program.	Part-time staff, supplies and equipment for the program.	\$40,000
School Committee	High School Restaurant Program	Fees charged for the restaurant program.	Part-time staff, supplies and equipment for the program.	\$25,000
School Committee	Boat Building Program	Fees charged for the activities of the boat building program.	Part-time staff, supplies and equipment for the program.	\$8,000
School Committee	Integrated Pre-school Program	Fees charged for the activities of the integrated pre-school program.	Part-time staff, supplies and equipment for the program.	\$110,000
School Committee	Community Education Program Fund	Fees charged for summer school and adult education.	Services of the continuing education program staff, supplies and equipment.	\$50,000
School Committee	Driver Education Program Fund	Fees charged for Driver education program.	Driver education staff, supplies, and equipment.	\$90,000
School Committee	Student Parking Fund	Fees charged to students for parking.	Expenses associated with school parking lot maintenance and monitoring.	\$25,000
			TOTAL OF ALL FUNDS	\$523,000

ARTICLE 8 The Town **VOTED** to raise and appropriate from the FY2009 tax levy the sum of \$10,000 for the operation and maintenance of the industrial/hazardous waste facility associated with the Marshfield School System, said facility to be maintained and operated in compliance with all federal, state and town bylaws and regulations. – **PASSED BY MAJORITY**

ARTICLE 9 The Town **VOTED** to raise and appropriate from the FY2009 tax levy the sum of \$20,000 to be used to pay employees amounts to which they are entitled under applicable collective bargaining agreements or personnel bylaws, for unused sick leave. – **PASSED BY MAJORITY**

ARTICLE 10 The Town **WITHDREW THE ARTICLE BY MAJORITY** funding the position of a Facilities Manager for the Town Buildings at \$100,000 per year. - **WITHDRAWN**

ARTICLE 11 The Town **VOTED** to authorize the Selectmen to grant to Verizon New England Inc. (formerly known as New England Telephone and Telegraph Company, a New York corporation, having its principal place of business at 185 Franklin Street, Boston, Massachusetts and NSTAR Electric Company, a Massachusetts corporation having its principal place of business at 800 Boylston Street, Boston, Massachusetts 02210, together with their respective successors and assigns, as tenants in common, (hereinafter called the "Grantees") an easement in certain town-owned land off Stratton Avenue, in substantially the following form

"Whereas, the Grantors own in fee simple a certain parcel of land off Stratton Avenue situated in the Town of Marshfield, Plymouth County, Massachusetts.

Now therefore, in consideration of the sum of \$1.00, the receipt of which is hereby acknowledged, the Grantors grant to the Grantees, their successors and assigns, with quitclaim covenants, the exclusive and perpetual right and easement to, access, erect, construct, operate, maintain, connect, extend, replace and remove a Pushbrace to support Pole 333/1, which may be erected at different times with the necessary conduits, cables, wires, anchors, guys, supports and fixtures appurtenant thereto for the transmission and/or distribution of electricity and the transmission and/or distribution of telecommunications upon, over and across land as shown on Marshfield Assessors plans a H07-03-01.

The location of said pushbrace (hereinafter "Easement Area") to be fifteen (15') in width, which area is approximately on a sketch labeled Exhibit A, attached hereto and made part hereof. The location of said facilities to become permanent upon the placing thereof.

The Grantees shall have the further right to enter said portion of Grantors' land by foot or by vehicle for all of the herein stated purposes and to connect said pushbrace with the poles, conduits, cable and wires which are located or which may be placed in parcels of land, public or private ways, adjacent or contiguous to the aforesaid premises. Grantees shall also have the right to cut, trim and remove such trees, bushes and growth as the Grantees or either of them from time to time deem necessary for the safe and efficient operation and maintenance of Grantees facilities.

It is also agreed that the Grantees, their successor and assigns, shall have the right to extend their lines on the subject premises from time to time as may be necessary in the judgment of the Grantees, their successors or assigns, to serve customers on the subject premises or on adjoining premises of other parties without incurring any liability to the Grantors, or any successors or assigns. For Grantors' title see deed recorded with the Plymouth County Registry of Deeds in Book 2403, Page 1." - **PASSED BY MAJORITY**

ARTICLE 12 The Town **VOTED** to relocate the layout of Snow Road from Stratton Avenue to Webster Street as a Public Way under the provisions of Chapter 82 of the Massachusetts General Laws, and to authorize the acquisition of land by eminent domain necessary to such relocation under the provisions of Chapter 79 of Massachusetts General Laws with no damages to be paid therefor; all as shown on a plan drawn by Stenbeck & Taylor, Inc., Marshfield, Mass and on file in the Town Clerk's Office, and further to transfer the discontinued portion of Snow Road as it currently exists from the custody and control of the

Board of Public Works to the Board of Selectmen, a portion of such discontinued portion to be dedicated to use for public vehicular access to abutting parcels and parking, as shown on said plan. – **PASSED BY 2/3 VOTE**

ARTICLE 13 The Town **VOTED** to appropriate \$2,610,745 to defray Wastewater direct costs and transfer \$505,867 of Wastewater indirect costs to the General Fund, by raising \$2,756,470 of Wastewater Receipts and using \$360,142 of Wastewater Retained Earnings to fund the total costs of the Wastewater (Sewer) Enterprise Fund as follows: - **PASSED BY MAJORITY**

Wastewater	Fiscal 2008 Budget	Fiscal 2009 Budget
Salaries	\$778,465	\$778,465
Expenses	\$1,041,000	\$1,056,000
Emergency Reserve	\$100,000	\$100,000
Debt Service	\$699,145	\$676,280
Appropriated for Direct Cost	\$2,618,610	\$2,610,745
Indirect Costs	\$457,776	\$505,867
Total Cost Wastewater	\$3,076,386	\$3,116,612

ARTICLE 14 The Town **VOTED** to appropriate \$2,435,847 to defray Water direct costs and transfer \$738,614 of Water indirect costs to the General Fund, by raising \$2,583,050 of Water Receipts and using \$591,411 of Water Retained Earnings to fund the total costs of the Water Enterprise Fund as follows: - **PASSED BY MAJORITY**

Water	Fiscal 2008 Budget	Fiscal 2009 Budget
Salaries	\$1,003,952	\$1,004,237
Expenses	\$858,200	\$858,200
Emergency Reserve	\$100,000	\$100,000
Debt Service	\$494,658	\$473,410
Appropriated for Direct Cost	\$2,456,810	\$2,435,847
Indirect Costs	\$657,954	\$738,614
Total Cost Water	\$3,114,764	\$3,174,461

ARTICLE 15 The Town **VOTED** to appropriate \$3,426,783 to defray Solid Waste direct cost and transfer \$379,529 of Solid Waste indirect costs to the General Fund, by raising \$3,375,783 of Solid Waste Receipts and using \$430,529 of Solid Waste Retained Earnings to fund the total costs of the Solid Waste Enterprise Fund as follows: - **PASSED BY 2/3 VOTE**

Solid Waste	Fiscal 2008 Budget	Fiscal 2009 Budget
Salaries	\$443,373	\$443,433

Expenses	\$2,974,020	\$2,852,600
Emergency Reserve	\$100,000	\$100,000
Debt Service	\$57,163	\$30,750
Appropriated for Direct Cost	\$3,574,556	\$3,426,783
Indirect Costs	\$314,265	\$379,529
Total Cost Solid Waste	\$3,888,821	\$3,806,312

ARTICLE 16 The Town **VOTED** to raise and appropriate \$35,000 from the FY2009 tax levy to be used for the emergency repair of private ways. Said funds to be expended under the direction of the Superintendent of Public Works and the general supervision of the Board of Public Works. – **PASSED UNANIMOUSLY**

ARTICLE 17 The Town **VOTED** to raise and appropriate \$30,000 from the FY2009 tax levy to be used for grading of dirt roads. Said funds to be expended under the direction of the Superintendent of Public Works and the general supervision of the Board of Public Works. – **PASSED BY MAJORITY**

ARTICLE 18 The Town **VOTED** to appropriate \$571,159 from funds available to the Town under Massachusetts General Law Chapter 90, Section 34 (2)(a). – **PASSED BY MAJORITY**

ARTICLE 19 The Town **PASSED OVER** authorizing the Board of Public Works, on behalf of and in the name of the Town, to acquire ownership in fee simple of, a certain parcel of land containing 6 acres, more or less, shown on the Marshfield Assessors' Maps as Lot H12-01-09A located off Grove Street, and deed restrictions on a parcel adjacent thereto, for the purposes of protection of the Aquifer for the Ferry Street well fields drinking water source, and to expend \$_____ from the Water Enterprise Retained Earnings, and further to authorize the Board of Selectmen, to grant a permanent deed restriction meeting the requirements of General Laws Chapter 184 limiting the property to the purpose for which it was acquired and that the Board of Selectmen and Board of Public Works be authorized, as they deem appropriate, to enter into all agreements and execute any and all instruments necessary to effectuate the purpose of this article. Said deed restrictions may be granted to any organization qualified and willing to hold such a restriction. Said Parcel shall be subject to the provisions of Article 97 of the State Constitution. Further, will the Town authorize the Board of Public Works to accept a Drinking Water Supply Protection Grant from the State Executive Office of Environmental Affairs, the proceeds of which shall be transferred into the Water Enterprise Retained Earnings account.

The Board of Public Works moves that the Town act upon the recommendation of the Community Preservation Committee and the Board of Public Works, to authorize the Board of Public Works, on behalf of and in the name of the Town, to acquire ownership in fee simple of a portion of a certain parcel of land containing 10 acres, more or less, being the undeveloped portion of a larger parcel shown on the Marshfield Assessors' Maps as ,G-12-29-02, located off Ferry Street, for recreation purposes. and to expend for such acquisition \$_____ from the FY 2009 Estimated Community Preservation receipts and \$_____ from the Open Space Reserve of the Community Preservation Fund. –**PASSED OVER**

ARTICLE 20 The Town **VOTED** to appropriate \$2,400,000 for remodeling, reconstructing, and making extraordinary repairs to the Governor Winslow Elementary School located at 60 Regis Road, including original equipment related thereto: and to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$2,400,000 under Massachusetts General Laws Chapter 44 or Chapter 70B or any other enabling authority; that the School Committee and other appropriate Town officials are authorized to apply for a grant from the Massachusetts School Building Authority with respect to the project; and that the School Committee is authorized to take any other action necessary to carry out this project. The amount of borrowing authorized pursuant to the motion shall be reduced by any amounts received or expected to be received from the Massachusetts School Building Authority. Project

funding received from the Massachusetts School Building Authority must be utilized for this project only and cannot be bundled with any other school or municipal projects. – **PASSED BY 2/3 VOTE**

ARTICLE 21 The Town **VOTED** to amend the Town of Marshfield Zoning Bylaw, Article XI Special Conditions, Section 11.08 Age-Restricted Adult Village by deleting the existing section 11.08 in its entirety and inserting the following new Section 11.08 Age-Restricted Adult Village as follows:

Section 11.08

Age-Restricted Adult Village

For Age-Restricted Adult Village (ARAV) housing not subject to the Table of Dimensions and Density Regulations nor subject to Sec. 10.10 of the Zoning Bylaw, the following regulations shall apply:

1. Applicability and Use

1.1 The tract of single or consolidated ownership at the time of application shall be at least six (6) acres in size in all residential zones, and shall be subject to approval by the Planning Board acting as the Special Permit Granting Authority (SPGA).

1.2. The following uses shall be permitted: attached ARAV housing units, community facilities such as: religious, recreational, educational or membership club for the exclusive use of the residents of the ARAV.

2. Required Performance Standards - In addition to other minimum requirements stated elsewhere in this bylaw, the following improvements, performance standards and/or conditions are required for all Age-Restricted Adult Villages (ARAV) in the Town of Marshfield.

2.1 Yield Plan

Applicants shall submit a Yield Plan that shows how many acres are available for development after subtracting all areas needed for storm water management facilities, roads and common driveways. The Yield Plan will determine the total number of acres available for calculating the number of As-of-Right (AOR) housing units. One acre is equal to one AOR unit.

2.2 Density of Housing

The total number of housing units allowed in an ARAV in all residential zoning districts shall be determined by the following formula that includes: As-of-Right units, Affordable and density bonus units. The number of Affordable units and Density Bonus units shall equal the number of As of Right (AOR) units multiplied by twenty-five (25 %) percent and rounded up to the next even number, divided by two. (Example: A 9 unit AOR development will result in 9 AOR units plus 4 units (.25 x 9 units = 2.25 units rounded up to 4 units, 2 Affordable units and 2 Density Bonus units) or 13 units in total. A 31 AOR unit development will result in 31 AOR units plus 8 units (.25 x 31 units = 7.5 units rounded up to 8 units, 4 Affordable units and 4 Density Bonus units) or 39 total units.

2.3. Natural Open Space

- a. In all residential zones, at least fifty (50) percent of the total tract area subject to the ARAV Special Permit application shall be upland natural open space. The natural open space shall be set aside as common land and shall be either deeded to the Town or placed under a Conservation Restriction, as defined in Article II, and maintained as permanent "open space" in private or cooperative non-profit ownership. The SPGA shall provide for the disposition and

control of the open space land in a manner and form acceptable to them and approved by Town Counsel.

- b. Natural open space is the area of the parcel(s) that is left undisturbed, in its natural state, as described further in this section. Areas of natural open space shall be preserved for: wildlife habitat, aquifer protection, historic preservation, passive recreation and / or forestry management. Natural open space shall not be used for any of the following activities: buildings or structures, impervious surfaces, above-ground utilities or subsurface infrastructure with the exception of storm water management facilities as noted below. Natural open space areas should encompass or protect valuable natural and cultural resources such as: large tracts of forest land, buffer zones to wetlands and water bodies, significant trees, scenic views, river valleys, geological features, archeological sites, historic trails or ways and open fields. Natural open space areas shall be contiguous areas of land. Narrow parcels or portions of lots less than 50' wide cannot be included in required natural open space calculations unless they are used for access to a walking trail. Walking trails may be constructed of organic materials such as wood chips or stone dust.
- b. For the purpose of calculating the required 50% natural open space, the area of proposed development activity shall be enclosed within a polygon. The inside of the polygon shall be considered the area of the development footprint. Remaining areas outside of the development footprint, greater than 50' in width, shall be used to satisfy the 50% natural open space requirement. Areas of natural open space may be managed utilizing standard, accepted forestry practices. Additional landscape plantings can be planted in natural open space areas to supplement existing vegetation. Storm water management facilities may be allowed within the area of natural open space, with the approval of the SPGA, if site conditions leave no other feasible alternatives. However, the area of the storm water management facilities shall not be included in the 50% calculation for natural open space. Areas disturbed for construction of storm water management facilities must be restored with native vegetation.

2.4 Mandatory Affordable Housing

- a. All ARAV's are required to provide Affordable housing in compliance with Section 11.14 Inclusionary Zoning for Affordable Housing. All Affordable housing created by this bylaw shall be Local Initiative Program (LIP) dwelling units in compliance with the requirements of the Massachusetts Department of Housing and Community Development LIP Program. Affordable housing units will count toward the Town's Subsidized Housing Inventory, in accordance with M.G.L. CH. 40B, sec. 20-23.

2.5. Site Design

The development shall be integrated into the existing terrain and surrounding landscape, and shall be designed to protect abutting properties and community amenities. Building sites shall, to the extent deemed feasible by the SPGA;

- a. Minimize obstruction of scenic views from publicly accessible locations.
- b. Preserve unique natural or historical features.
- c. Minimize grade changes, removal of trees, vegetation and soil.
- d. Maximize open space.
- e. Maximize buffers to wetlands and water bodies.
- f. Screen objectionable features from neighboring properties and roadways.

2.6 Roads and Driveways

- a. The ARAV shall provide for access on roads that have sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic generated by the proposed ARAV. The development shall maximize the convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent ways through proper layout, location and design.
- b. All roads and driveways serving more than one dwelling unit shall be designed and constructed in accordance the following sections of the Subdivision Rules and Regulations of the Planning Board of the Town of Marshfield. Section 4. Design Standards and Required Improvements. With the exception of Subsections 4.1.5 and 4.4.9 in their entirety and Subsection 4.1.4 – Note **, which are exempt from this requirement. Roads and driveways serving more than one dwelling unit shall also be designed and constructed in accordance with Section 5 - Completion of the Way, Subsections 5.2, 5.4, 5.6 and 5.7 only.

2.7 Dead End Roads

- a. All dead end roads and common driveways shall terminate in a cul-de-sac or provide other accommodations for vehicles to reverse direction. Turn around areas shall be designed to accommodate emergency vehicles.
- b. Dead end streets and connecting common driveways shall not exceed 800' in length, measured from the intersection of the road that provides access to the ARAV.

2.8 Architecture

- a. Architectural style shall be in harmony with the prevailing character and scale of buildings in the neighborhood and the Town through the use of appropriate building materials, screening, breaks in roof and wall lines and other architectural techniques. Variation in detail, form and sitting shall be used to provide visual interest and avoid monotony. Proposed buildings shall relate harmoniously to each other with adequate light, air, circulation, and separation between buildings. All buildings shall be separated a minimum distance of 1 1/2 times the height of the proposed buildings.
- b. The maximum building height shall be 35 feet from the existing natural elevation.

2.9 Parking

- a. The proposed development shall provide two (2) parking spaces per each unit, plus one (1) visitor parking space for every ten (10) units, plus one (1) parking space per each two hundred (200) square feet of non-residential area.
- b. Parking areas, including maneuvering space for parking and loading areas, shall not be located within the required 40' buffer areas.
- c. Parking areas shall be screened from public ways and adjacent or abutting properties by building location, fencing, and/or dense landscape plantings.
- d. No parking shall be allowed on interior streets or ways.

2.10 Landscaping

- a. Connecting tree-lined walkways shall be provided between structures, parking areas and abutting public ways. A mixture of shade trees shall be spaced a minimum of forty (40) feet apart along streets and walkways.
Landscape plans should be prepared and stamped by a professional landscape architect. The type, size and location of all plantings shall be included in the landscape plan.

- b. Exposed storage areas, machinery, service areas, truck loading areas, solid waste disposal facilities, utility buildings, structures and other unsightly uses shall be set back and/or screened to protect neighbors and residents from objectionable views, noise, odors and vibration.
- c. A fifty (50) foot wide natural buffer shall be required along the perimeter of the property, except for access roads, which in the opinion of the SPGA, provides suitable screening of abutting properties. The SPGA may require the natural buffer to be supplemented with additional plantings if the natural buffer does not provide adequate screening of abutting properties.

2.11 Lighting

All exterior lighting on roads, walkways and buildings shall be approved by the SPGA. Lighting specification cut-sheets shall be submitted for all lighting in the ARAV. Lighting shall be designed to avoid unnecessary glare to abutting properties. Sufficient lighting should be provided to accommodate the needs of senior residents. A lighting plan shall be provided showing the intensity of light on the property. Reflectors and shields shall provide total cut-off of all light at the property boundaries.

2.12 Storm Water Management

The storm water management system shall be designed so that the volume and rate of run-off shall not exceed predevelopment conditions. The use of Low Impact Development principals is encouraged, such as bioretention areas, and decentralized storm water management facilities. Groundwater recharge shall be maximized, surface and ground water quality shall be maintained or improved by employing Best Management Practices. Neighboring properties shall not be adversely affected. The SPGA may require that existing problems on/or adjacent to the site be mitigated as a condition of approval of a special permit under this section. Open air drainage facilities shall have a minimum fifteen (15) foot landscaped evergreen buffer area around the facility (excluding basin clean out access way).

2.13 Utilities

All electric, telephone, cable TV, and other such utilities shall be located underground. An evergreen landscaped buffer shall be provided around all transformers and other utility facilities.

2.14 Water Resource Protection Districts

Applicants submitting ARAV Special Permit applications within the Water Resource Protection District (WRPD) shall file for a WRPD Special Permit concurrently with the ARAV Special Permit and conform to the performance and design standards of Section 13.03.

2.15 Waste Water

Waste water treatment systems in all other ARAV developments shall be designed to not exceed 10 parts per million for the concentration of nitrate-nitrogen loading for the subject property as a whole, measured at the property boundaries.

2.16 Historic Resources

The SPGA and applicant shall seek guidance from the Historical Commission to insure the protection, restoration, or preservation of historic locations, artifacts or structures within the proposed development.

2.17 Management of Common Areas

- a. If an ARAV is owned or converted to ownership of more than one ownership entity, a non-profit Community Association (CA) shall be established, requiring membership of each property owner in the development. The CA shall be responsible for the permanent maintenance of all communal water and septic systems, common open space, roads,

storm water management and recreational facilities. Prior to the closing of the public hearing, the applicant shall submit a CA agreement guaranteeing continuing maintenance of common utilities, land and facilities. The CA shall assess each home owner an equal share of maintenance expenses. Such agreement shall be subject to the review and approval of Town Counsel and the SPGA.

- b. CA agreements or covenants shall provide that in the event that the association fails to maintain common facilities such as the waste water treatment system or storm water management system, in reasonable order and condition, in accordance with the agreement, the Town may, after notice to the CA and a public hearing, enter upon the property and conduct necessary maintenance, to protect the environment. The cost of any work shall be assessed equally against the properties within the development. All costs incurred by the Town for needed maintenance will be reimbursed by the CA.
3. Administrative Procedures - The Planning Board shall be the Special Permit Granting Authority (S.P.G.A.) for ARAV applications. Applicants shall follow the administrative procedures relative to the issuance of Special Permits set forth in the Marshfield Planning Board Rules Governing Housing for the Elderly and Handicapped Persons as adopted on 3/19/90 and most recently amended on 3/17/03, or any successor regulations. Copies of the abovementioned administrative rules shall be on file with the Town Clerk. The SPGA shall follow the procedural requirements for special permits as set forth in MGL CH. 40A, Section 9.
4. Criteria for Review and Approval
- 4.1 The S.P.G.A. shall review all applications for ARAV developments to determine the suitability of the site to the following criteria:
- a. Compliance with 11.08 (2) Required Performance Standards;
 - b. Compatibility with the surrounding neighborhood;
 - c. Compliance with adopted public plans;
 - d. The requested use will not overburden any public infrastructure such as water, roads, drainage or sewer system or any other municipal system to such an extent that the proposed ARAV in the immediate area, or in any other area of the Town will be subjected to development related impacts that would adversely affect health, safety or the general welfare;
 - e. Acceptable design and layout of streets and common driveways;
 - f. That the projected traffic increase to the local road(s) is within the capacity of the existing network and does not impair pedestrian safety;
 - g. Compliance with environmental performance standards;
 - h. Appropriateness of building architecture, orientation and site design; and
 - i. The preservation of important areas of open space or items of historical and / or archaeological significance.

5. Decisions

- a. The findings, including the basis of such findings, of the SPGA shall be stated in the written decision of approval, conditional approval, or denial of the application for Special Permit, and shall require a 4/5 majority vote for approval. For approval of a Special Permit granted under

this section, an affirmative finding of the SPGA shall be required for all of the nine (9) criteria listed above.

- b. The SPGA may also require, in addition to any applicable conditions specified in this Bylaw, such conditions as it finds reasonably appropriate to safeguard the neighborhood, or otherwise serve the purposes of this Bylaw, including, but not limited to the following: front, side, or rear yards greater than the minimum required by this Bylaw; screening buffers or planting strips, fences, or walls, modification of the architectural design and exterior appearance of the structures; lighting, regulation of the number and location of driveways, or other traffic features; off-street parking or loading or any other special features beyond the minimum required by this bylaw.
- c. Such conditions shall be provided in writing, and the applicant may be required to post a performance bond or other surety for compliance with said conditions in an amount satisfactory to the SPGA.
- d. The Special Permit is granted for a period of two years and shall lapse if substantial use or construction has not commenced by such date, except for good cause shown as determined by the SPGA. Once construction has begun, it shall be actively and continuously pursued to completion within a reasonable time. – **PASSED BY 2/3 VOTE**

ARTICLE 22 The Town **VOTED** to amend the Town of Marshfield Zoning Bylaw, Article V Use Regulations, Section 5.04 Table of Use Regulations, Residential 3. Housing for the elderly, by: - **PASSED BY 2/3 VOTE**

1. Deleting the “S” in the B-1 Business District column and replacing the “S” with “-”.
2. Deleting Housing for the elderly and inserting “Age-Restricted Adult Village”

The amended section will appear as follows:

Section 5.04

TABLE OF USE REGULATIONS

Principal Uses	Residential				Business					Industrial		Overlay	
	R-1	R-2	R-3	RB	B-1	B-2	B-3	B-4	OP	I-1	A	PMU D	WRP D
<u>RESIDENTIAL</u>													
1. One-family detached dwelling	P	P	P	P	-	S	P	P	-	-	-	-	P
2. Open Space Residential Development (see Section 11.04)	S	S	S	S	-	-	-	-	-	-	-	-	S
3. Age-Restricted Adult Village (See Section 11.08)	S	S	S	S	-	-	-	-	-	-	-	S	S

ARTICLE 23 The Town **VOTED** to amend the Town of Marshfield Zoning Bylaw, Article II Definitions, by deleting the existing definition of Age-Restricted Adult Village that is as follows:

"Age-Restricted Adult Village: A building or buildings arranged, or used exclusively for the residence of persons age fifty-five (55) or older, or for handicapped persons, as defined in Chapter 121B of the M.G.L., with some shared facilities and services."

The following new definition will be inserted replacing the definition printed above.

"Age-Restricted Adult Village: A building, group of buildings or unit(s) occupied by or used exclusively for either:

1. The residence of persons age fifty-five (55) or older. Guests under age 55 are allowed, not to exceed 6 months in any consecutive 9 month period.

2. The residence of handicapped persons as defined in Chapter 121B of the MGL. In the case of a handicapped individual, one live-in personal care attendant with some shared facilities and services is permitted. – **PASSED BY 2/3 VOTE**

ARTICLE 24 The Town **VOTED** to amend the Town of Marshfield Zoning Bylaw, Article III Establishment of Zoning Districts, Section 3.03 Zoning Map, by deleting the following dates listed in section 3.03: "April 30, 1998 and October 28, 2002". The date of the new Zoning Map shall be inserted in Section 3.03 so that the amended Section 3.03 reads as follows:

"Section 3.03

Zoning Map - The location and boundaries of the Zoning Districts are hereby established as shown on a map titled "Zoning Map of the Town of Marshfield, Massachusetts" dated May 5, 2008 with revisions through May 5, 2008 which accompanies and is hereby declared to be part of this Bylaw. The authenticity of the Zoning Map shall be identified by the signature of the Town Clerk, and the imprinted seal of the town under the following words: "This is to certify that this is the Zoning Map of the Town of Marshfield, Massachusetts, referred to in the Zoning Bylaw of the Town of Marshfield, Massachusetts, which was approved by the Town on May 5, 2008 with revisions through May 5, 2008." - **PASSED UNANIMOUSLY**

ARTICLE 25 The Town **PASSED OVER** amending the Town of Marshfield Zoning Bylaw Article IX NONCONFORMING USES STRUCTURES AND LOTS by deleting the first sentence of section 9.02.3. and substituting therefor the following:

- 9.02.3 Any nonconforming single or two-family residential structure may be increased in size and volume or otherwise altered without a special permit or other ruling from the Zoning Board of Appeals provided the Building Commissioner, determines, prior to the issuance of a building permit for such addition or alteration:
- (a.) that the addition or alteration conforms to the current setbacks, maximum building area and minimum open space requirements for the district in which it is located and,
 - (b.) that the addition or alteration is not greater in size than 300 sq. ft. and,
 - (c.) that the addition or alteration is a single story, not to exceed 12' and,
 - (d.) that the addition is not greater in mean height than the existing dwelling and,
 - (e.) that the addition or alteration will not intensify any existing non-conformities of the structure or create any new non-conformities on the lot.

Any two story addition of a second floor or higher addition shall require a Special Permit ruling by the Zoning Board of Appeals. – **PASSED OVER**

ARTICLE 26 The Town **VOTED** to appropriate the sum of \$6,000 from Free Cash for the Council on Aging to conduct a needs assessment for the rapidly expanding senior population of Marshfield for the next 10-20 years.– **AMENDED MAIN MOTION PASSED UNANIMOUSLY**

ARTICLE 27 The Town **VOTED** to raise and appropriate the sum of \$25,000 from the FY 2009 tax levy for the purpose of providing Senior Citizen Real Estate Tax Vouchers for services rendered pursuant to an agreement to be formulated between the Council on Aging and the Board of Selectmen. – **PASSED UNANIMOUSLY**

ARTICLE 28

Item 1 – Seth Ventress Building Historic Restoration Project - Phase 2: The Town **VOTED** to appropriate \$3,941,133 from which \$1,165,752 will be appropriated from FY2009 Community Preservation Fund revenues, \$2,468,938 from the Community Preservation Fund balance and \$306,443 from Community Preservation Budgeted Reserve to preserve, restore, and renovate the 1865 Seth Ventress Building located at 76 South River Street.

Item 2 - Community Housing -Affordable Housing Coordinator: The Town **VOTED** to appropriate \$65,000 to be appropriated from FY2009 Community Preservation Fund revenues to fund the compensation of a Housing Coordinator to support and implement the Affordable Housing Plan submitted by the Affordable Housing Partnership.

Item 3 - Community Housing – Expenses for Conversion: The Town **VOTED** to appropriate \$381,000 of which \$100,752 will be appropriated from FY2009 Community Preservation Fund revenues and \$280,248 from Community Housing Reserves to fund expenses related to the conversion of existing market rate housing to affordable housing.

The Town **VOTED** to appropriate \$82,876 from FY2009 Community Preservation Fund revenues for Administrative Expenses, reserve \$165,752 from FY2009 Community Preservation Fund revenues for Open Space, reserve \$0 from FY2009 Community Preservation Fund revenues for Historic Resources, reserve \$0 from FY2009 Community Preservation Fund revenues for Community Housing and reserve \$77,391 from FY2009 Community Preservation Fund revenues for Budgeted Reserve.

ARTICLE 29 The Town **VOTED** to appropriate \$450,000 for the purpose of design and other related costs associated with the renovation and expansion of the Ventress Memorial Library; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$450,000 under Massachusetts General Laws Chapter 44 or any other enabling authority; that the Library Building Committee and other appropriate Town officials are authorized to apply for a grant from the Massachusetts Public Library Construction Program with respect to the project; provided that the amount of the borrowing authorized under this vote shall be reduced by the amount of such grant received prior to the issuance of bonds or notes under this vote; and that the Library Building Committee and/or Library Trustees is authorized to take any other action necessary to carry out this project. - **PASSED BY 2/3 VOTE**

ARTICLE 30 The Town **VOTED** to change the section number in the approved Article 21 of the Special Town Meeting of October, 2007 from #6 to #8.

Original verbage:

ARTICLE 21 The Town **VOTED** to adopt a new Section #6 in Article 1 of the Marshfield General Bylaws by inserting the following:

6. The Town Clerk's Office will assume the responsibility of the printing, distribution and delivery of the Annual Town/Special Town Meeting warrant. The Selectmen will prepare all articles in final form before sending it to the Town Clerk's Office.

Request change to:

ARTICLE 21 The Town VOTED to adopt a new Section **#8** in Article 1 of the Marshfield General Bylaws by inserting the following:

8. The Town Clerk's Office will assume the responsibility of the printing, distribution and delivery of the Annual Town/Special Town Meeting warrant. The Selectmen will prepare all articles in final form before sending it to the Town Clerk's Office. –
PASSED UNANIMOUSLY

ARTICLE 31 The Town **VOTED** to amend the General Bylaws by adding the following new bylaw: -
PASSED BY MAJORITY

1. DEMOLITION OF HISTORICALLY SIGNIFICANT BUILDINGS OR STRUCTURES

(a) INTENT AND PURPOSE

This bylaw is adopted for the intent and purpose of identifying and protecting the historic and aesthetic qualities of the Town by preserving, rehabilitating or restoring whenever possible, buildings, structures or properties which constitute or reflect distinctive features of the architectural, aesthetic or historic resources of the Town, thereby promoting the public welfare and preserving the cultural heritage of the Town.

(b) DEFINITIONS

For the purpose of this bylaw, the following words and phrases have the following meanings:

Commission: The Marshfield Historical Commission.

Inspector: The Marshfield Building Inspector/Zoning Officer or any other person authorized to issue demolition permits.

Demolition Permit: The permit issued by the Inspector as required by the State Building Code for the demolition, partial demolition or removal of a building or structure.

Historically Significant Building, Structure or Property: Any building, structure or property which is in whole or in part fifty (50) years or more old and has been determined by the Commission to be significant by virtue of being (1) importantly associated with one or more historic persons or events, or with the architectural, cultural, political, economic or social history of the Town, The Commonwealth of Massachusetts or the United States of America; or (2) historically or architecturally important by reason of period, style, method of building construction or association with a particular architect or builder, either by itself or in the context of a group of building or structures; or (3) a vista, bridge, stone wall, tree road marker or sign, or any other property identified as of aesthetic, architectural, cultural, political or historical significance by the Commission.

(c) REGULATED BUILDINGS, STRUCTURES AND PROPERTIES

The provisions of this bylaw shall apply only to the following buildings, structures or properties: (1) a building, structure or property listed on the National Register of Historic Places, or the State Register of Historic Places, or the subject of a pending application for listing on either of said Registers; or (2) a building, structure or property located within 200 feet of the boundary line of any federal, state or local historic district; or (3) a building, structure or property included in the Inventory of the Historic and

Prehistoric Assets of the Commonwealth, or designated by the Commission for inclusion in said Inventory; or (4) any building, structure or property defined as an historically significant building, structure or property in paragraph (b) above.

Notwithstanding the preceding sentence, the provisions of this section shall not apply to any building, structure or property located in a local historical district and subject to regulation under the provisions of Chapter 40C of the Massachusetts General Laws.

(d) PROCEDURE

(1) The Inspector shall forward a copy of each demolition permit application for a building, structure or property to the Commission within seven (7) days after the filing of such application.

(2) Within 30 days after its receipt of such application, the Commission shall determine whether the building, structure or property is historically significant. The applicant for the permit shall be entitled to make a presentation to the Commission if he or she makes a timely request to the Commission.

(3) If the Commission determines that the building, structure or property is not historically significant, it shall so notify the Inspector and the applicant in writing and the Inspector may issue a demolition permit.

(4) Within sixty (60) days after the applicant is notified that the Commission has determined that a building, structure or property is historically significant, the applicant for the permit shall submit to the Commission ten (10) copies of a demolition plan which shall include the following information: (a) a plot plan or assessors map showing the location of the building, structure or property to be demolished with reference to lot lines and neighboring building and structures; (b) photographs of all street façade elevations;

(c) a description of the building, structure or property, or part thereof, to be demolished; (d) the reason for the proposed demolition and data supporting said reason, including, where applicable, data sufficient to establish any economic justification for demolition; and (e) a brief description of the proposed reuse of the parcel on which the building, structure or property to be demolished is located.

(5) The Commission shall hold a public hearing with respect to the application for a demolition permit and shall give public notice of the time, place and purpose thereof at least fourteen (14) days before said hearing in such a manner as it may determine, and, by mailing, postage prepaid a copy of said notice to the applicant, to the owners of all adjoining property and other property deemed by the Commission to be materially affected thereby as they appear on the most recent real estate tax list of the Board of Assessors, to the Planning Board, to any person filing written request for notice of hearings, such request to be renewed yearly in December, and to such other persons as the Commission shall deem entitled to notice. Within sixty (60) days after its receipt of the demolition plan the Commission shall file a written report with the Inspector on the demolition plan that shall include the following: (a) a description of the age, structural style, historic association and importance of the building, structure or property to be demolished; (b) a determination as to whether or not the building, structure or property should preferably be preserved. The Commission shall determine that a building, structure or property should preferably be preserved only if it finds that the building, structure or property is a historically significant building, structure or property which, because of the important contribution made by the building, structure or property to the Town's historical and/or architectural resources, it is in the public interest to preserve, rehabilitate or restore.

(6) If, following the demolition plan review, the Commission does not determine that the building, structure or property should preferably be preserved, or if the Commission fails to file a report with the Inspector within the time limit set out in paragraph (5) above, the Inspector may issue a demolition permit.

(7) If, following the demolition plan review, the Commission determines that the building, structure or property should preferably be preserved, then the Inspector shall not issue a demolition permit for a period of twelve (12) months from the date of the filing of the Commission's report unless the Commission informs the Inspector prior to the expiration of such twelve (12) months period that it is satisfied that the

applicant for the demolition permit has made a bona fide, reasonable and unsuccessful effort to locate a purchaser for the building, structure or property who is willing to preserve, rehabilitate or restore the building, structure or property, or has agreed to accept a demolition permit on specified conditions approved by the Commission.

(e) EMERGENCY DEMOLITION

If the condition of the building, structure or property poses a serious and imminent threat to public health or safety due to its deteriorated condition, the owner of such building, structure or property may request the issuance of an emergency demolition permit from the Inspector. As soon as practicable after the receipt of such a request, the Inspector shall arrange to have the property inspected by a Board consisting of the Inspector, the Chairmen of the Commission and the Board of Health and the Chief of the Fire Department, or their respective designees. After inspection of the building, structure or property and consultation with this Board, the Inspector shall determine whether the condition of the building, structure or property represents a serious and imminent threat to public health or safety. If the Inspector finds that the condition of the building, structure or property poses a serious and imminent threat to public health or safety, and that is no reasonable alternative to the immediate demolition permit under the provisions of the paragraph (e), the Inspector shall file a written report describing the condition of the building, structure or property and the basis for the decision to issue an emergency demolition permit with the Commission. Nothing in this paragraph (e) shall be inconsistent with the procedures for the demolition and/or securing of the buildings and structures established by Chapter 143 Sections 6 to 10, of the Massachusetts General Laws. In the event that a Board of Survey is convened under the provisions of Section 8 of the said Chapter 143 with regard to any building, structure or property identified in paragraph (c) of this bylaw, the Inspector shall request the Chairman of the Commission or the Chairman's designee to accompany the Board of Survey during its inspection. A copy of the written report prepared as a result of such inspection shall be filed with the Commission.

(f) RESPONSIBILITY OF OWNERS

(1) Upon determination that the building, structure or property is considered a significant building, structure or property the owner shall agree to preserve the building, structure or property; make a reasonable bona fide effort to locate a purchaser who is willing to preserve the building, structure or property; or accept a demolition permit on specified conditions approved by the Commission.

(2) Upon determination that the building, structure or property is considered a significant building, structure or property, the owner shall be responsible for properly securing the building, structure or property, if vacant, to the satisfaction of the Inspector. If the Commission determines that the owner failed to so properly secure the building structure or property, and if said failure is found to have caused or allowed a subsequent destruction of the of the building, structure or property any time during the twelve (12) month demolition delay period, and that said damage could have been prevented by the required security measures said destruction shall be considered a demolition and a violation of this bylaw. The provisions of this section shall not apply to those significant buildings, structures or property that were demolished due to fire, collapse, storm or other natural disaster, provided that fire damage was not the result of arson or other intentional destruction by the owner or its agents, as determined by the Chief of the Fire Department or his designee. The Owner must notify the Inspector if an occupied property becomes vacant during the twelve (12) month period.

(3) In the instance of eventual demolition of the property the Owner shall allow the Commission access to the building, structure or property to take photographs, secure samples of wallpaper and paint or generate any documentation deemed desirable for historical record purposes.

(g) NON-COMPLIANCE

Except as provided below, whenever a significant building, structure or property or any

portion thereof has been voluntarily demolished in violation of this bylaw, and for a period of three (3) years after the completion of such demolition, no building permit shall be issued with respect to any premises upon which such demolition has occurred. As used herein, "premises" includes the parcel of land on which the demolished significant building, structure or property was located.

Notwithstanding the foregoing, whenever the Commission shall, on its own initiative or on application of the owner, determine that earlier reconstruction, restoration or other remediation of any demolition in violation of the bylaw better serves the intent and purpose of this bylaw, it may, prior to the expiration of said period of three (3) years, but no sooner than six (6) months from the date of completion of any demolition in violation of this bylaw, authorize issuance of a building permit, upon such conditions as the Commission deems necessary or appropriate to fulfill the purposes of this bylaw, and may so notify the Inspector .

(h) SEVERABILITY

In case any section, paragraph or part of this bylaw is declared invalid or unconstitutional by any court of competent jurisdiction, every other section, paragraph and part of this bylaw shall continue in full force and effect.

ARTICLE 32 The Town **VOTED** to amend Article 27 of the General By-Laws to read as follows:

Replace: The penalty of this Bylaw shall be \$20.00 for each offense. The penalty for each ensuing offense shall be as follows: 2nd offense - \$30.00, 3rd offense - \$40.00, 4th offense and each additional - \$50.00.

The penalty for dogs running at large and who are deemed to be vicious (either through a previous dog bite or by determination of the dog officer) will be \$50.00. All penalties shall be imposed on the owner or keeper and shall be cumulative as they relate to the individual rather than to any specific dog.

With: The Penalty of this Bylaw shall be \$25.00 for each offense. The penalty for each ensuing offense shall be as follows: 2nd offense - \$50.00, 3rd offense - \$75.00, 4th offense and each additional - \$100.00.

The penalty for dogs running at large and who are deemed to be vicious (either through a previous dog bite or by determination of the Animal Control Officer) will be \$200.00. All penalties shall be imposed on the owner or keeper and shall be cumulative as they relate to the individual rather than to any specific dog. – **PASSED UNANIMOUSLY**

ARTICLE 33 The Town **VOTED** to amend Article 32 of the Marshfield General Bylaws, Waterways; to make changes to the Waterways Bylaw as shown below.

ARTICLE THIRTY TWO - Waterways

SECTION 1: INTENT

The purpose of this bylaw is to protect, preserve, promote the public's rights to safe and pleasurable use of the navigable waterways and aid and assist the commercial fleet located within the Town of Marshfield.

SECTION 2: DEFINITIONS

Captain of the Port: The Chief of Police of the Town of Marshfield.

Commercial Vessel: Any vessel, which is used to harvest fish or shellfish for purposes of sale, to carry passengers for hire or for mooring or scuba related business.

Fairway: Shall mean a defined area, as shown on official navigational charts, used continually for unobstructed vessel access to and from moorings, launching and shoreside facilities for the safety and convenience of the boating public.

Ground Tackle: Shall mean the mooring block, float, buoys, chain, swivel and pennant which are the property of the vessel owner.

Harbormaster: Shall mean the Harbormaster and all Assistant Harbormasters as defined in Massachusetts General Laws, Ch. 102 duly appointed by the Board of Selectmen, Town of Marshfield,

Massachusetts. The recommendation of the Captain of the Port shall be considered by the Board of Selectmen in making such appointments.

Marina: A location of safe refuge, moorage, slippage, storage or anchorage for five (5) or more vessels, which may supply provisions, marine supplies or chandlery; or at which these may be obtained, and which a fee may be charged for the use of these facilities and/or services; to include any and all wharfs, piers, pilings, dolphins, floats (fixed or portable), or any boat facilities either private or public used for the keeping of any vessels over five (5) in number. This definition shall include municipal boating facilities, piers and moorings.

Marshfield Waterways Committee: Shall mean a seven (7) member advisory board appointed by the Board of Selectmen to protect and preserve the public's rights of the use and enjoyment of the Town's waterways, to protect the natural resources along and in the waterways and to promote safe navigation within the Town's waterways.

Mooring: Space where ground tackle is located, or place where a buoyant vessel, lobster car, raft, float dock is secured with mooring tackle.

Skin Diver: Shall mean swimmers using fins and/or masks or snorkel tubes or self-contained underwater breathing devices.

Vessel: Shall mean all boats, including every description of motorized watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation.

Waterways of the Town of Marshfield: Shall mean the navigable waters within the Town of Marshfield north from the line of boundaries of the Town of Duxbury to the line of boundaries of the Town of Scituate, to the geographical seaward boundaries of the Town of Marshfield.

The waterways of the Town of Marshfield shall include, without limitation:

GREEN HARBOR BASIN: Shall be the waters of the Town of Marshfield from the seaward most limit of the southwest jetty continuing upstream of the Green Harbor River to include all navigable rivers, creeks and tributaries including all waters subject to the ebb and flow of the tides twice in twenty-four (24) hours.

NORTH RIVER: Shall be that portion of the river within the boundaries of the Town of Marshfield to the geographical center of the river and all navigable rivers, creeks and tributaries pertaining thereto, including all waters subject to the ebb and flow of the tides twice in twenty-four (24) hours.

SOUTH RIVER: Shall be that portion of the river within the boundaries of the Town of Marshfield to the geographical center of the river and all navigable rivers, creeks and tributaries pertaining thereto, including all waters subject to the ebb and flow of the tides twice in twenty four (24) hours.

MASSACHUSETTS BAY: Shall be that portion of Massachusetts Bay contiguous to the Town of Marshfield from the mean high water line to the seaward jurisdictional lifts of the town.

SECTION 3: MOORING BLOCK SPECIFICATIONS

1. Ground tackle specifications including mooring block specifications, chain sizes, pennants and mooring float and buoy requirements shall be established by the Harbormaster.
2. Ground tackle not marked as called for by this regulation shall be removed after notice by certified mail by the Harbormaster. The mooring location may be forfeited and reassigned according to current regulations.

SECTION 4: CARE AND MAINTENANCE OF GROUND TACKLE

1. No ground tackle, after being set on bottom, shall be removed or in any way changed or sold without advance approval of the Harbormaster.
2. The care, maintenance and registration of all ground tackle is the responsibility of the owner. All mooring inspections shall be performed by a certified mooring service company on file with the Harbormaster's office. Mooring inspections will be conducted every three (3) years. Mooring tackle and blocks shall be removed from Marshfield waterways and disposed of if found to be in unserviceable condition. Moorings not inspected within the assigned inspection year will be revoked.
3. Inspection of all ground tackle shall be done at owner's expense and logged at the Harbormaster's Office. The Harbormaster is authorized to remove any

ground tackle at reasonable times for inspection. Mooring tackle, docks, floats, rafts shall not be placed in Marshfield Waterways without prior approval of the Harbormaster and should not impede safe navigation. The Harbormaster shall establish regulations and specifications for inspection of ground tackle.

SECTION 5: MOORING REGULATIONS

1. All moorings shall be registered with the Harbormaster each year. The due date for mooring fees shall be set at 30 days from date of issuance. All applicable fees and taxes owed to the Town shall be paid before registration is issued. Mooring fees are established by the Harbormaster and approved by the Board of Selectmen. Failure to pay the mooring fee may result in forfeiture of the mooring after notice by certified mail.

2. An annual mooring waiting list shall be compiled and kept at the Harbormaster Office. It is available to the public for review on request. Mooring permits will be granted by the Harbormaster in order of application date as suitable locations become available. Persons without a mooring shall have priority. Mooring waiting list fees are established by the Harbormaster and approved by the Board of Selectmen. Persons on the waitlist shall reapply annually between April 15th. and June 30th. of each calendar year. Renewals must be in person, by mail or fax. If an applicant on the waitlist refuses a mooring location, the applicant will not lose their place on the mooring waitlist.

3. A mooring permit owner may not exchange his/her mooring location with another mooring permit owner without permission of the Harbormaster. A mooring permit is not transferable except to the permit holder's spouse or next of kin.

4. Each mooring permit holder shall place his/her registered vessel on the assigned mooring for a minimum of 30 days each twelve (12) month mooring fee billing period. Otherwise, the mooring is deemed abandoned and shall be forfeited. A mooring permit holder may apply for a one (1) year grace period to retain their designated mooring if they have sold the registered boat and are purchasing a replacement vessel, or if their current vessel has suffered a mechanical failure sufficient to require removal from the water for repairs, or for other extenuating circumstances approved by the Harbormaster. Prior written notification must be given to the Harbormaster.

5. The payment of a mooring fee only gives the mooring permit holder the use of a specific location. Permit holders are prohibited from increasing the size of the vessel on the assigned mooring without advance approval of the Harbormaster. Mooring locations are subject to change at the discretion of the Harbormaster.

6. Mooring servicing companies shall be registered and approved each year with the Harbormasters department.

7. All vessels on moorings secured fore and aft will moor their vessels fore and aft at all times to prevent the vessel from swinging with the change of tides. Mooring locations may be designated fore and aft by the Harbormaster only when deemed a hazard to navigation.

8. No vessel or other party may use a mooring other than owner and vessel originally assigned by registration and on file at the Harbormaster's Office except with the permission of the Harbormaster.

9. No mooring pennants attached to a float will be longer than prescribed by mooring regulations available at the Harbormaster's Office or without the express permission of the Harbormaster.

10. The type of pennant may be changed by using a substitute of equal or greater strength by permission of the Harbormaster.

11. The mooring chain and pennant may be increased in diameter but may not be increased in length except by permission of the Harbormaster.

12. No ground tackle shall have more than one (1) vessel attached. No permanent rafting of vessels shall be allowed on one ground tackle other than the vessel's tender except with the permission of the Harbormaster.

13. Any ground tackle owner in violation of the above regulations will have his/her ground tackle removed at their expense per order of the Harbormaster and lose their mooring.

14. Mooring holders may elect to replace mooring buoys with Winter logs after September 15th. Winter mooring gear shall be removed by June 1st. and replaced with appropriate mooring tackle. Winter logs not removed after June 1st. will be considered a hazard to navigation and removed by the Harbormaster or his designee. Winter logs removed will not be replaced with a floating buoy. Mooring holders electing to use Winter logs shall have the log painted white with a 2" blue stripe near the top and also be identified by mooring number. Typically winter logs are 4 feet in length.

15. The number of commercial vessel moorings available shall not be any less than exist as of June 30, 1991.

SECTION 6: WATERWAYS OF THE TOWN OF MARSHFIELD GENERAL REGULATIONS

1. No vessel except emergency vessels shall be operated within the limits of the Green Harbor Basin and North and South Rivers at a speed in excess of 6 knots or cause a disturbing wake.

2. No person shall Scuba dive or Snorkel in Green Harbor or any Town navigable fairway without permission of the Harbormaster Dept. The use of all public piers, floats and town owned boat launching ramps by swimmers is hereby prohibited. Swimming in any fairway is also prohibited.

3. Use of jet skis, water bikes or similar crafts on the North or South Rivers or within 300 feet of Marshfield Beaches is prohibited.

4. Tying up of skiffs to a town pier or float is prohibited except by permit and at a designated location provided for by the Harbormaster. All skiffs without a permit will be removed at the owner's expense after due notice by certified mail. Skiff fees and skiff regulations are established by the Harbormaster and approved by the Board of Selectmen.

5. Town floats or piers shall not be used for storage of fishing gear, nets, lobster traps or any other materials except during actual loading or unloading of vessels. Ramps and walkways shall be kept clear at all times. After twenty-four (24) hours and after an attempt to notify the owner, equipment stored in violation of this section will be considered abandoned. It shall be removed and stored at the owner's expense per order of the Harbormaster.

6. Vessels with moorings in waterways of the Town of Marshfield shall not use town floats for overnight tie-up. This regulation does not preclude the use of floats for service work on vessels with the permission of the Harbormaster. Transient vessels may be given permission by the Harbormaster to use town floats or town moorings for overnight tie-up. Tie-up fees are established by the Harbormaster and approved by the Board of Selectmen. The Town is not responsible for any loss or damage to boats at Town piers, dock or floats. Owners will be held responsible for damage to structures and pilings owned by the Town.

7. Fishing from town piers, floats and town-owned boat launching ramps is prohibited from May 1 to October 1 except with permission from the Harbormaster. No person shall set fishing gear, traps in navigable fairways, channels, basins upon the North & South rivers and Green Harbor.

8. The cleaning and gutting of fish on the town piers, floats or town owned boat launching ramp is prohibited. If any fish are cleaned or gutted aboard vessels tied up to the town piers or floats, the waste shall be stored in a suitable container for proper disposal.

9. Minor children shall not be allowed the use of town floats, piers or launch ramps without adult supervision.

10. Bicycles, roller skates, skateboards and motor driven vehicles (mopeds, motorcycles) shall not be driven on the town piers, floats or town owned boat launch ramps.

11. The town floats from the south side of the town launch ramp of the Town pier may be used only for the pickup and discharge of passengers and gear for the time limits set by the Harbormaster.

12. The town floats from the north side of the town launch ramp of the Town pier are reserved for commercial vessels only for the time limit set by the Harbormaster.

13. The Harbormaster shall have the responsibility for maintaining the public safety on the piers, floats, launch and parking areas, walkways and the waterways of the Town of Marshfield. This shall include the safe placement of all floating structures or vessels. The Harbormaster is authorized to remove all such structures or vessels that he deems a hazard to navigation or otherwise in violation of any bylaws, rules, or regulations in the waterways of the town. The Harbormaster is authorized to make regulations for the efficient operation of Marshfield waterways with the approval of the Board of Selectmen.

14. No vessel greater than fifty (50) feet in length without a Marshfield mooring shall tie up to the town piers or floats at any time without the permission of the Harbormaster. No vessel shall impair normal vessel traffic while tied to a town pier, float, rack, pile, mooring, camel or dolphin in the waters of the town.

15. No trailered water vessel shall be launched from any Town pier or launch ramp without the person launching the vessel having obtained a launch permit from the Harbormaster. Skiffs with valid skiff permits are considered to have a launch permit. Launch ramp fees are established by the Harbormaster and approved by the Board of Selectmen. *Any person found launching a trailered vessel without a permit shall be fined by a fee of not more than \$30.00 for each violation.*

16. Pollution of the waterways of Marshfield is prohibited. Prohibited activities include discharging of untreated sewage, rubbish, refuse, dead fish or fish carcasses/bait and hazardous waste (gas, oil, antifreeze, etc.). Abandoned or derelict boats, floats, docks and motors are prohibited on the piers, docks, and waterways of Marshfield.

17. The Selectmen are instructed and authorized to control, regulate or prohibit the taking of eels, shellfish, and sea worms within the Town of Marshfield, in accordance with the Massachusetts General Laws, Ch. 130, Sec. 52. The Harbormaster shall be designated Shellfish Warden and may appoint assistant shellfish wardens and establish regulations and fees for taking of shellfish. The Selectmen are instructed and authorized to control, regulate or prohibit the taking of herring within the Town of Marshfield, in accordance with the Massachusetts General Laws, Ch. 130, Sec. 95.

SECTION 7: SPECIAL SAFETY REGULATIONS

1. All vessels with a tuna pulpit that measures more than five (5) feet in length, measured from the bow stem forward, must be able to raise it from a lowered position to an upright position when tying up to the town pier or floats. Any vessel moored in a specially designated area must show a flashing yellow light on the pulpit when in the down position from dusk to dawn. This safety regulation also applies to the mooring areas. Failure to comply will be grounds to deny the vessel use of the waters of the town.

2. No person shall operate a vessel in Green Harbor or North or South Rivers of the town while towing water skiers, aqua-planes or other similar devices except in connection with water carnivals and exhibitions authorized by the Captain of the Port in an area designated by the Selectmen and with permission of the Harbormaster.

3. No person shall operate, or cause to allow to be operated, a vessel powered by machinery within 300 feet of any swimmer.

4. Motor boats shall not be operated within 300 feet of a public bathing beach unless operating in an area designated by the Harbormaster.

5. The designated boat lane on Green Harbor Beach shall be the place to operate or anchor a vessel powered by machinery.

6. Sailing vessels underway in Green Harbor with no other means of propulsion shall not navigate through a mooring field unless heading to dock, berth or sea.

SECTION 8: APPEAL PROCESS

Decisions of the Harbormaster that do not involve Bylaw violations and/or criminal matters may be appealed to the Captain of the Port within 7 days via certified receipt. The Captain of the Port will respond in writing within 10 days of such appeal. The Waterways Committee shall be informed of appeals and findings.

SECTION 9: PENALTIES

Any person who violates any provision of this bylaw or the Harbormaster Regulations shall be punished by a fine of not more than \$75.00 for the first offense, \$150.00 for the second offense and \$250.00 for a third offense. Each day or portion thereof during which a violation continues shall constitute a separate offense; if more than one, each condition violated shall constitute a separate offense. This bylaw shall be enforced by the Harbormaster.

SECTION 10: SEVERABILITY

In the event that any provision, section or clause of this bylaw is hereinafter judicially found to be invalid, such invalidity shall not affect the validity of the remaining portions of the Rules and Regulations. –

PASSED BY MAJORITY

ARTICLE 34 Town Counsel **DETERMINED THIS ARTICLE TO BE ILLEGAL** directing the Department of Public Works to set the cost of the identification sticker at \$5.00 (five dollars) per year to enter the transfer station. A \$5.00 (five dollar) per year charge will cover the cost of the printing of the sticker plus administrative costs of transacting the purchase of the sticker at the Department of Public Works.

ARTICLE 35 The Town **DEFEATED** reducing the percentage of taxation of the Community Preservation Act from 3% to ½ of 1%.

ARTICLE 36 The Town **VOTED** to raise and appropriate the sum of \$5,000 from the FY 2009 tax levy for the support of the Clift Rodgers Free Library and YWCA, Marshfield Branch the sum to be divided equally. – **PASSED BY MAJORITY**

ARTICLE 37 The Town **PASSED OVER** raising and appropriating the sum of \$5,000 from FY 2009 tax levy for the support of the Clift Rodgers Free Library and YWCA, Marshfield Branch, the sum to be divided equally.

ARTICLE 38 The Town **WITHDREW** rescinding the use of the Community Preservation Act in the Town of Marshfield, voted on favorably in Article 10 at Annual Town Meeting of April 23, 2001 and again on ballot question #1 at the Marshfield Town Election on April 28, 2001. – **WITHDRAWN BY MAJORITY**

ARTICLE 39 The Town **PASSED OVER** amending the Town of Marshfield Zoning Bylaw, Article 11 Definitions, by deleting the existing definition of Age-Restricted Adult Village that is as follows:

Age-Restricted Adult Village: A building or buildings arranged, or used exclusively for the residence of persons age fifty-five (55) or older, or for handicapped persons, as defined in Chapter 121B of the M.G.L., with some shared facilities and services.

The following new definition will be inserted replacing the definition printed above.

Age-Restricted Adult Village: A building or group of buildings occupied by either:

1. One or more residents that must be age fifty-five (55) years or older per unit. Persons under the age of 18 years may not reside for more than 6 months in any consecutive 9 month period.

ARTICLE 40 The Town **PASSED OVER** raising or appropriating \$3,500 from the FY 2009 tax levy to contract with South Shore Women's Resource Center for domestic violence intervention and prevention services for its residents.

ARTICLE 41 The Town **VOTED** to raise and appropriate the sum of \$3,000 from the FY 2009 tax levy to support the following three Non-Profit Organizations (NPOs), as set forth herein, for services to Marshfield residents:

1. **SOUTH SHORE WOMEN'S RESOURCE CENTER, \$1,000** for domestic violence intervention and prevention services,
2. **WOMANSPLACE CRISIS CENTER, \$1,000** for services for victims of sexual assault, and
3. **SOUTH COASTAL COUNTIES LEGAL SERVICES, Inc., \$1,000** for free legal civil matter services to low income families and their children.